

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 2/9/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LESLIE RIVERA,	:	
	:	
Plaintiff,	:	1:20-cv-9968-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On February 8, 2021, the parties submitted a letter requesting adjournment of the initial pretrial conference pending decision on Defendants' November 19, 2021 motion to dismiss. Dkt. No. 38. That application is granted; the initial pretrial conference is adjourned pending resolution of Defendant's motion to dismiss.

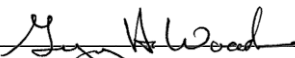
The Court further construes the parties' letter as a motion to stay discovery pending decision on the motion to dismiss. Under Federal Rule of Civil Procedure 26(c), a district court may stay discovery "for good cause." Fed.R.Civ.P. 26(c). When a motion to dismiss is pending, courts typically consider several factors in determining whether to stay discovery; including: "(1) whether a defendant has made a strong showing that the plaintiff's claim is unmeritorious, (2) the breadth of discovery and the burden of responding to it, and (3) the risk of unfair prejudice to the party opposing the stay." *Negrete v. Citibank, N.A.*, No. 15-cv-7250, 2015 WL 8207466 (S.D.N.Y. Dec. 7, 2015).

Applying these factors, the Court finds that a stay of discovery is appropriate in this case. Defendants' motion to dismiss appears to have substantial grounds and there is no indication that Plaintiff will be unfairly prejudiced by a stay.

Accordingly, discovery is hereby stayed, pending decision on Defendants' November 19, 2021 motion to dismiss.

SO ORDERED.

Dated: February 9, 2022
New York, New York



GREGORY H. WOODS
United States District Judge